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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,647	06/16/2000	Alexander E. Mallet	MS150658.1	2603

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CLEVELAND, OH 44114

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT PAPER NUMBER

2126

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/595,647	MALLET ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lewis A. Bullock, Jr.	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/8/02; 4/13/01</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 8, 15-18, 23-25, and 27-29 rejected under 35 U.S.C. 102(e) as being anticipated by HANSON (U.S. Patent 6,546,425).

As to claim 1, HANSON teaches a system for parallel asynchronous command execution, comprising: a first computer system (Mobile End System / Fixed End System) for directing a call to invoke a remote procedure (remote procedure call) in a second computer system (Mobile Management System / other End System), the first computer and second computer communicating via a non-persistent connection (via

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maintaining a continuous virtual connection even though it may temporarily lose its physical connection to a specific network medium) (col. 4, lines 3-17); wherein the second computer system (Mobile Management System / other End System) upon completion of the remote procedure (request) generates an event trigger (event / response message) and transmits the event trigger and remote procedure results (response message disclosing whether the operations was successfully completed) to the first computer system (Mobile End System / Fixed End System) (col. 19, line 35 – col. 20, line 35; col. 23, lines 30-39).

As to claims 17, 23-25, and 27, refer to claim 1 for rejection.

As to claim 18, reference is made to a method that corresponds to the system of claim 1 and is therefore met by the rejection of claim 1 above.

As to claims 28 and 29, reference is made to a computer-readable medium that corresponds to the system of claim 1 and is therefore met by the rejection of claim 1 above.

As to claim 7, HANSON teaches a work item (work request) and a thread (main thread) for processing the remote procedure (RPC message) (col. 14, lines 14-48).

As to claim 8, HANSON teaches a completion event (TDI) on the second computer system for notifying the first computer system (col. 15, lines 7-30).

As to claim 15, HANSON teaches the second computer system further comprises a work interface for executing the remote procedure (via a TDI Remote Procedure Call engine) (col. 15, lines 7-30; col. 13, lines 10-39).

As to claim 16, HANSON teaches the request / responses have input / output attributes (parameters) (col. 13, lines 10-39) and that the interface executes the remote procedure (via a TDI Remote Procedure Call engine) (col. 15, lines 7-30; col. 13, lines 10-39).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6, 9-14, 19-22, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over HANSON (U.S. Patent 6,546,425).

As to claims 2, 3, and 9-14, HANSON teaches a computer environment wherein remote procedure calls are made from a first system to a second system that communicate over a non-persistent connection by using a remote procedure calling mechanism (col. 4, lines 3-17; col. 19, line 35 – col. 20, line 35; col. 23, lines 30-39; col. 7, line 29 – col. 8, line 48). HANSON also teaches that the invention is limited to the

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disclosed embodiment (col. 39, lines 35-40). However, HANSON does not teach that the remote procedure calling mechanism is a distributed object architecture wherein an object interface uses various information, i.e. a remote object identifier, a computer name identifier, arguments, and a user name, in communicating the request and response between objects. "Official Notice" is taken in that it is well known in the art that COM, DCOM, and Corba are well known remote procedure calling mechanism in an distributed object architecture that execute above the network protocol and wherein the objects are able to communicate with other objects through object interfaces and by embedding various information, i.e. a remote object identifier, a computer name identifier, arguments, and a user name, into a remote procedure call embedded into a network packet. Therefore, it would be obvious to one of ordinary skill in the art to combine the teachings of HANSON with the well-known remote procedure calling mechanism of COM, DCOM, and Corba in order to perform object communication in a mobile network environment wherein the connection is non-persistent.

As to claims 4 and 6, HANSON teaches the first computer system (Mobile End System / Fixed End System) configures an event (response message) to receive the remote procedure results from the second computer system (Mobile Management System / other End System) (via generating a response message containing a message whether the operation was successfully completed) (col. 19, lines 35 – col. 20, line 36). However, HANSON does not teach the event contains an identifier. HANSON does teach that the response is sent back to the peer system and that the overall

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environment contains a plurality of end systems communicating with one another through a Mobil Management Server (col. 7, line 29 – col. 8, line 48; col. 23, lines 30-39). Therefore it is obvious to one skilled in the art at the time of the invention that in order to send a response to the correct system that sent the request there must be an identifier in the response.

\*As to claim 5, "Official Notice" is taken in that Windows Management Infrastructure events are well known message events and therefore would be obvious to one skilled in the art to use the particular type of event in the system of Hanson in order to send a response.

As to claims 19 and 20, reference is made to a method that corresponds to the system of claims 2 and 3 and is therefore met by the rejection of claims 2 and 3 above.

As to claims 21 and 22, reference is made to a method that corresponds to the system of claims 4 and 5 and is therefore met by the rejection of claims 4 and 5 above.

As to claim 26, refer to claim 4 for rejection.

As to claim 30, reference is made to a computer-readable medium that corresponds to the system of claim 4 and is therefore met by the rejection of claim 4 above.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lab

